

CURRENT GUIDANCE

## Social Media Guidance

1. We recognise that you are likely to want to use social media for a variety of private and professional reasons. We have written this guidance to help you understand your duties under the BSB Handbook as they apply to your use of social media. This applies to you in both a professional and personal capacity, since the inherently public nature of the Internet means that anything you publish online may be read by anyone and could be linked back to your status as a barrister.
2. **Remember that you are bound by Core Duty 5 not to behave in a way which is likely to diminish the trust and confidence which the public places in you or the profession at all times.** Unregistered barristers should also bear this guidance in mind when using social media; as members of the profession, they are expected to conduct themselves in an appropriate manner and are also subject to certain Core Duties and other rules. Social media use includes posting material online, sharing content, promoting your business as a barrister or networking. This might be on sites such as Twitter, content communities such as YouTube, social networking sites like Facebook or LinkedIn and Internet forums.
3. Comments designed to demean or insult are likely to diminish public trust and confidence in the profession (CD5). It is also advisable to avoid getting drawn into heated debates or arguments. Such behaviour could compromise the requirements for barristers to act with **honesty and integrity** (CD3) and **not to unlawfully discriminate against any person** (CD8). You should always take care to consider the content and tone of what you are posting or sharing. Comments that you reasonably consider to be in good taste may be considered distasteful or offensive by others.
4. You should also bear in mind your **duty to keep your client's affairs confidential** (CD6). It is inadvisable to send confidential communications to your client over social

media. You should not do so unless your client has agreed and you are satisfied that your client's confidentiality will not be at risk. If your client does wish to be contacted in this way, you will need to consider not only the security of the system that you are using, but also its privacy policy. Some host sites allow the host to access otherwise private information, despite it not being posted to the client's public facing "wall" or "blog".

5. You may also want to consider less obvious risks; for example, by advertising the fact that you are in a particular location at a particular time (perhaps via a "geotagged" status update), you may risk inadvertently revealing that you act for a particular client.
6. When you are using social media, you should bear this guidance in mind at all times. This guidance will be considered by the BSB in any action it takes over concerns about social media use. If you are the subject of a complaint concerning your use of social media, we will investigate the matter carefully and in line with the process explained on our website.

**October 2019**

**Bar Standards Board**